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FISCAL IMPACT STATEMENT

LS 7138

BILL NUMBER: SB 532

NOTE PREPARED: Jan 12, 2015

BILL AMENDED:

SUBJECT: Human Trafficking and Indecent Nuisances.

FIRST AUTHOR: Sen. Head

FIRST SPONSOR:

BILL STATUS: As Introduced

FUNDS AFFECTED: **GENERAL**
 DEDICATED
 FEDERAL

IMPACT: Local

Summary of Legislation: This bill has the following provisions:

Indecent Nuisances: It provides that, for purposes of the law concerning actions for indecent nuisances, an indecent nuisance includes a public place in or upon which human trafficking is conducted, permitted, continued, or exists, and the personal property and contents used in conducting and maintaining the place for such a purpose.

Revenue: The bill requires 50% of the money collected under the actions for the indecent nuisances law concerning human trafficking to be deposited in the county general fund and credited to a separate account identified as the prosecuting attorney's human trafficking collections account.

Prosecuting Attorney's Human Trafficking Collections Account: The bill requires the prosecuting attorney who has jurisdiction in the county to expend funds credited to the account for the purposes of providing funds for:

- (1) human trafficking victim services;
 - (2) law enforcement investigations concerning human trafficking; and
 - (3) human trafficking prevention programs provided by community-based organizations;
- within the county.

Effective Date: July 1, 2015.

Explanation of State Expenditures:

Explanation of State Revenues: If an individual other than a prosecuting official brings an action for an indecent nuisance for human trafficking, a civil costs fee of \$100 would be assessed when a civil case is filed, 70% of which would be deposited in the state General Fund if the case is filed in a court of record or 55% if the case is filed in a city or town court. In addition, other fees may be collected.

Explanation of Local Expenditures:

Explanation of Local Revenues: *Summary:* The bill adds to the property for which an action may be brought to abate a nuisances and that may eventually lead to the sale of the personal and real property. An individual may bring the action to enjoin the use of the property, which could result in additional court fees. The additional court fee revenue is expected to be minimal.

The proceeds from the sale of the property that is an indecent nuisance is placed in the county general fund to pay the costs of an action and abatement, including the complainant's costs. Under the bill, 50% of the new revenue from the sale of personal and real property that is an indecent nuisance because it is a place in or upon which human trafficking is conducted, permitted, continued, or exists would instead be deposited in a separate account for use by the prosecutor.

Additional Information - The amount of revenue to fund each county prosecutor's human trafficking collections accounts would be based on the number and value of properties sold.

The data available indicate a low number of offenders accused or convicted of the crimes related to human trafficking. A conviction for human trafficking is not necessary for the sale of property under this law. However, the number of people accused and convicted is a record that may indicate the potential revenue from the addition of human trafficking indecent nuisances to the law. There were three offenders in state prison on December 1, 2014, for human trafficking violations, and there were nine people charged with human trafficking in 2014 from the courts that use the Odyssey system.

[The Odyssey system accounts for 182 trial courts, 16 city courts, and 7 town courts in 50 counties. These represented 49% of all case filings in Indiana in 2013, the most recent year that this information is available.]

State Agencies Affected:

Local Agencies Affected: Counties, prosecutors.

Information Sources: Indiana Supreme Court.

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